

SERVICE DATE – MARCH 11, 2005

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT****STB DOCKET NO. AB-541 (Sub-No. 1X)****Portland & Western Railroad, Inc. B Abandonment Exemption B  
in Washington County, OR****BACKGROUND**

In this proceeding, Portland & Western Railroad, Inc. (P&W) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for P&W to abandon its line of railroad located between Milepost 17.10 and Milepost 20.05, located near the City of Hillsboro in Washington County, Oregon, a total distance of 2.95 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, P&W will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to P&W, the line that is the subject of the proposed abandonment was built by the Oregon Electric Railway (Oregon Electric) as part of its Second Subdivision, Orenco Branch. It was originally placed in service in 1913. Oregon Electric was subsequently acquired by the Spokane, Portland & Seattle Railway which eventually became part of Burlington Northern Railway (now Burlington Northern Santa Fe Railway Company (BNSF)). In 1994, a bridge on the Cornelius Pass line burned, and BNSF rerouted its traffic from the Former Oregon Electric main line to a Southern Pacific Railway line between Portland and Salem. In November, 1997, P&W acquired from BNSF the rail, ties and other facilities that comprise this rail line, and easement. BNSF subsequently donated the underlying property to the Oregon Department of Transportation. The only commodity delivered during P&W's ownership of the right-of-way was plastic pellets, and those shipments ended on January 11, 2000. There has been no service provided over the line proposed for abandonment for the past five years, and therefore there would be no diversion of traffic.

Beginning at Milepost 17.1 to approximately Milepost 19.0, the line descends southerly on a one percent grade through a rural semi-forested area that includes upland agricultural lands. From approximately Milepost 19.0 to Milepost 20.05, the grading of the line levels and traverses past an industrial area to the west of the right-of-way and a residential area to the east of the right-of-way. The width of the right-of-way is approximately 100 feet. Based on information in P&W's possession, the line does not contain federally granted rights-of-way.

In abandoning this line, P&W only intends on removing and salvaging the existing rail, tie plates, spikes, anchors and cross ties. The removal will take place in the ballast area of the track structure and the surrounding area will not be disturbed. P&W's easement rights to the line being abandoned are being sold to the Oregon Department of Transportation, the owner of the underlying property.

There is a small 38 foot long, concrete pier, flange span that traverses over a two lane county road near milepost 17.4. The bridge was built in 1944. The rail and ties on the bridge have been subject to normal maintenance and replacement. Because the structure has been hit by excess height vehicles in the past, the girders and bridge deck have been temporarily removed to increase the safety of the traveling public.

## **ENVIRONMENTAL REVIEW**

P&W submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. P&W served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

P&W is unaware of any wildlife sanctuaries, refuges, or National and State parks or forests in the vicinity of the proposed abandonment. The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. No effect is expected on water quality as the removal of the track materials will be done in the ballast area of the track structure, which will buffer any silting or turbidity of the drainage systems. To the best of P&W's knowledge, the proposed abandonment will have no effect on wetlands or 100-year flood plains. Any existing drainage ditches and culverts will be left in place following the abandonment.

The Oregon Coastal Management Program, Department of Land Conservation and Development in Salem has indicated that the rail line which is the subject of the proposed abandonment is not located within Oregon's coastal zone, and therefore does not require further coastal zone review.

The Oregon Department of Environmental Quality, Northwest Region Gresham Office (ODEQ) has reviewed the information provided by P&W against existing data bases and found no reported spills or releases of hazardous substances along the right-of-way proposed for abandonment. ODEQ does have a few concerns which include the leaching of hazardous substances from railroad ties, residual herbicides from vegetation suppression, and fuel drips from improperly maintained engines. ODEQ recommends that P&W hire an experienced environmental contractor to conduct an independent investigation and risk assessment along the rail line proposed for abandonment. Accordingly, we will recommend a consultation condition requiring that P&W contact ODEQ to address their concerns.

The U.S. Department of the Interior, Fish and Wildlife Service, Oregon Fish and Wildlife Office (FWS) in Portland, Oregon, has indicated that based on the information provided and a review of their files, FWS is not aware of any species listed under the Endangered Species Act in the vicinity of the proposed project. At this time, FWS does not see any reason to object to the proposed abandonment and track salvage.

## **HISTORIC REVIEW**

P&W submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. P&W served the report on the Oregon Parks and Recreation Division (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has concurred with P&W's preliminary finding that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the P&W's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

## **CONDITIONS**

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

1. P&W shall contact the Oregon Department of Environmental Quality, Northwest Region Gresham Office prior to commencement of any salvage activities on this project to address their concerns about possible leaching of hazardous substances from railroad ties, residual herbicides from vegetation suppression, and fuel drips from improperly maintained engines.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the AE-FILING@link.

**Please refer to Docket No. AB-541 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should contact Kenneth Blodgett, the environmental contact for this case by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at [blodgettk@stb.dot.gov](mailto:blodgettk@stb.dot.gov).

Date made available to the public: March 11, 2005.

Comment due date: **March 28, 2005 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment